

EDWARD M. GRANADO P-47229  
PLEASANT VALLEY STATE PRISON  
P.O. Box 8501 A4-129U  
COALINGA, CA. 93210  
IN PRO SE

FILED  
08 MAY 9 PM 12:52  
RICHARD W. HODGES  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
*[Handwritten signature]*

UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD M. GRANADO  
PETITIONER

v.  
MICHAEL EVANS, WARDEN, ET AL.  
RESPONDENT

CASE NO: C07-4596 JF(PR)

NOTICE AND MOTION  
FOR LEAVE OF COURT TO FILE  
OPPOSITION TO MOTION TO  
DISMISS FOR UNTIMELINESS

TO: THE ABOVE ENTITLED COURT, AND TO THE  
ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, AND HIS  
OR HER RESPONDENTS. PLEASE TAKE NOTICE AND MOTION  
FOR LEAVE OF COURT TO FILE OPPOSITION TO MOTION TO  
DISMISS FOR UNTIMELINESS.

PETITIONER OBJECTS TO THE MOTION TO DISMISS  
FILED BY THE RESPONDENT FOR THE FOLLOWING REASONS:

STATEMENTS OF FACTS:

ON "2-27-07" PETITIONER SUBMITTED AN ACCOUNT  
WITHDRAW SLIP TO COVER FILING FEE, PETITIONER WAS  
HOUSED IN C.P.I.'S AD-SEG AT THE TIME, SO THE TRUST  
ACCOUNT WITHDRAW SLIP WAS GIVEN TO THE LEGAL LAW

OFFICER, % K. CANNON. DUE TO A MISUNDERSTANDING OF "AD-SEG" PROCEDURE BY THE ACCOUNTING OFFICE AT C.C.I., PETITIONER'S FILING FEE WAS NOT PAID ON TIME BECAUSE ACCOUNTING, INCORRECTLY, THOUGHT HE NEEDED A COUNSELOR'S SIGNATURE ON THE WITHDRAW SLIP BEFORE IT COULD BE PROCESSED. "NO INMATE NEEDS TO HAVE A COUNSELOR SIGN OFF ON A WITHDRAW SLIP IF HE IS IN AD-SEG" AND THE SLIP IS FOR A LEGAL MATTER", SUCH AS A FILING FEE.

P.I.O. K. CANNON TYPED A LETTER EXPLAINING THIS, SEE EXHIBIT "A", AND RESUBMITTED PETITIONER'S FILING FEE, ALONG WITH LETTER OF EXPLANATION TO THE DISTRICT COURTS, IT WAS FILED ON "5-2-07", SEE EXHIBIT "B".

On "9-21-07" PETITIONER RECEIVED A NOTICE FROM THE DISTRICT COURTS, UNDER A NEW CASE NO., (PRESENT CASE NUMBER) "CQ7-4596 JF(PR)" WITH INSTRUCTIONS TO RE-PAY THE \$5.00 FILING FEE. THIS WAS DONE ON "9-27-07", SEE EXHIBIT "C".

PETITIONER'S "OLD CASE NUMBER" THAT WAS DISMISSED, THROUGH NO FAULT OF PETITIONER, ON OR ABOUT "4-16-07" WAS; "CQ6-3968 JF(PR)" SEE EXHIBIT "B". FILING FEE WAS PAID.

ARGUMENT  
THE PETITION WAS TIMELY

PETITIONER'S CASE IS GOVERNED BY THE "A.E.D.P.A." OF 1996, WHICH APPLIES TO ALL CASES FILED AFTER APRIL 24, 1996.

PETITIONER'S STATE HABEAS WAS DENIED ON "8-10-05". ALL TIME WAS TOLLED BETWEEN FIRST COURT OF THE STATE BRANCH, SUPERIOR, AND THE LAST BRANCH OF STATE COURT, SUPREME. ON "6-14-06" PETITIONER SUBMITTED HIS WRIT TO THE FED. COURTS. THE COURTS DIRECTED PETITIONER TO RE-SUBMIT "IN FORMA PAUPERIS" ON "6-27-06", TO WHICH PETITIONER COMPLIED ON "7-10-06".

ON "2-14-07" PETITIONER'S REQUEST FOR IN FORMA PAUPERIS WAS DENIED. ON "2-27-07" PETITIONER PUT FORTH THE CORRECT PAPERWORK TO HAVE HIS FILING FEE PAID.

THIS WAS NOT DONE UNTIL "5-3-07", AND IT WAS SENT ALONG WITH A LETTER, TYPED BY THE LEGAL LAW OFFICER FOR C.C.I. EXPLAINING THE DELAY WAS NOT DUE TO A FAULT OF THE INMATE.

PETITIONER HAS COMPLIED, TO THE BEST OF HIS LIMITED ABILITIES, WITH ALL REQUESTS FROM THE COURTS. IN AD-SEG MOBILITY IS LIMITED.

IN BENNETT, 322 F.3d THE COURT RULED THAT THE MOTION TO DISMISS BE DISMISSED. AS IN BENNETT, PETITIONER HAS SUBMITTED PROOF THAT HE HAS COMPLIED WITH ALL OF THE COURTS REQUESTS, IN A TIMELY MANNER. AND HE HAS

SUBMITTED THIS PROOF HEREIN THIS MOTION. IF THERE IS ANY DELAY THAT IS SUSPECTED, THIS IS EXPLAINED WITH THE EXHIBITS HEREIN, AS REQUIRED IN RE CLARK, 5 CAL. 4TH 75&.

Conclusion

PETITIONER RESPECTFULLY REQUESTS THAT THE RESPONDENTS' MOTION TO DISMISS, FILED ON "3-29-88", BE DENIED. AS A MATTER OF LAW THE MOTION TO DISMISS IS INSUFFICIENT TO ADDRESS THE MERITS OF PETITIONER'S CLAIMS. ALSO RESPONDENT FAILS TO MENTION AND DISCUSS "EQUITABLE TOLLING PROVISIONS" AND EXCEPTIONS TO POSSIBLE UNTIMELY PETITIONS NOT DUE TO THE FAULT OF THE PETITIONER.

Declarant

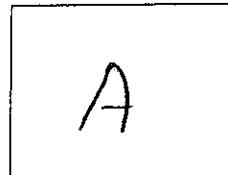
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT UNDER THE LAWS OF CALIFORNIA AND THE UNITED STATES OF AMERICA.

DATED: 5-6-88

RESPECTFULLY SUBMITTED:

Edward M. Jernigan  
(SIGNATURE) PETITIONER  
in Prose

# EXHIBIT COVER PAGE



EXHIBIT

## DESCRIPTION OF THIS EXHIBIT:

LETTER TYPED BY "O" CANNON

PROOF THAT LETTER WAS MAILED

COPY OF "ORDER TO PAY FILING FEE"

NUMBER OF PAGES TO THIS EXHIBIT: 5 PAGES

## JURISDICTION: (CHECK ONLY ONE)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELLATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

To: Office of the Clerk, U S District Court

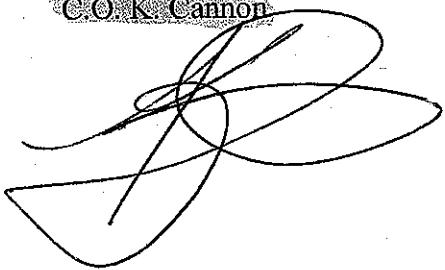
From: C.O.K.  
Cannon 4A AD SEC  
Legal Officer

Subj: Inmate Granado P-47229 C-063968JF(PR)

On February 27 2007 Inmate Granado placed a trust account withdrawl for \$5.00 address to the court for the filing fee const of his case listed above. The trust office at this institution did not know what the trust was for and sent trust and paper work back to Inmate Granado for a counselor approval. Inmate Granado did not need a counselor approval. I am the legal officer for the yard and handle all legal request for the inmates on this yard. That is why Inmate Granado missed the court deadline for filling. If you have any question you can contact me at this institution 661-822-4402.

Thank you

C.O.K. Cannon

A handwritten signature in black ink, appearing to read "C.O.K. Cannon". The signature is fluid and cursive, with the initials "C.O.K." at the top and "Cannon" below them.



Edward M. Granado P-47229  
CALIFORNIA Correctional Institution  
P.O. Box 1982 4A-6C-118  
Tehachapi, Ca. 93581

—LEGAL—  
—MAIL—

OFFICE OF THE CLERK, U.S. DISTRICT COURT  
Northern District of California  
280 South First St. #2112  
San Jose, Ca. 95113-3895

CASE NO:

C-06-3968-JF (PR).

(7)

# TRUST ACCOUNT WITHDRAWAL ORDER

Date 2-27-2008

To: Warden

Approved \_\_\_\_\_

I hereby request that my Trust Account be charged \$ 5.00 for the purpose stated below and authorize the withdrawal of that sum from my account:

P-47229

NUMBER

State below the PURPOSE for which withdrawal is requested (do not use this form for Canteen or Hobby purchase).

PURPOSE TO PAY FOR FEES

CASE NUMBER:

"C 06-3968 JF (PR)

\$5.00 Check

NAME (Signature please, DO NOT PRINT)

*Edward M. Gravado*

PRINT PLAINLY BELOW name and address of person to whom check is to be mailed.

NAME OFFICE OF THE CLERK

ADDRESS OFFICE OF THE CLERK,  
U.S. DISTRICT COURT NORTHERN  
DISTRICT OF CALIFORNIA  
288 SOUTH FIRST ST., ROOM # 2112  
SAN JOSE, CA 95113-3095

NAME EDWARD M. GRAVADO

PRINT YOUR FULL NAME HERE

\*\*Original filed 2/14/07\*\*

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NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD M. GRANADO, Petitioner,  
vs.  
EVANS, Warden, Respondent.

No. C 06-3968 JF (PR)

ORDER DENYING MOTIONS TO  
PROCEED IN FORMA  
PAUPERIS AND TO PAY FILING  
FEE WITHIN THIRTY DAYS

(Docket Nos. 2, 4)

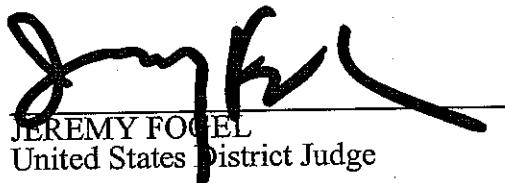
Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and two motions to proceed in forma pauperis. Petitioner's trust account statement reveals that for the six months preceding the filing of this action, Petitioner had average monthly deposits into his trust account of \$31.45 and an average monthly balance of \$19.85. This is sufficient to pay the \$5.00 habeas filing fee. Accordingly, Petitioner's motions to proceed in forma pauperis (docket nos. 2, 4) are DENIED. Within **thirty days** of the date this order is filed, Petitioner shall pay the \$5.00 filing fee. Petitioner shall include with his payment a clear indication that it is for this case number, C 06-3968 JF (PR).

Order Denying Motions to Proceed in Forma Pauperis and to Pay Filing Fee Within Thirty Days  
P:\pro-sels\jfhc.06\Granado968ifpden 1

1 Failure to pay the filing fee within **thirty days** of the date this order is filed shall result in  
2 the dismissal of this action without prejudice.

3 IT IS SO ORDERED.

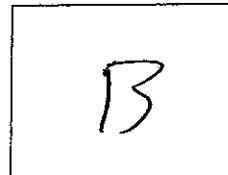
4 Dated: 2/14/07

  
5 JEREMY FOGEL  
6 United States District Judge  
7  
8  
9

10 I just now got this on  
11 "2-26-07"  
12  
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14 Edward M. Granado  
15 P-47229  
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# EXHIBIT COVER PAGE



EXHIBIT

## DESCRIPTION OF THIS EXHIBIT:

DOCKET SHEET SHOWING THAT THE  
FILING FEE WAS PAID AND ACCEPTED

NUMBER OF PAGES TO THIS EXHIBIT: 2 PAGES

## JURISDICTION: (CHECK ONLY ONE)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELLATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

CLOSED, HABEAS, ProSe

**U.S. District Court  
California Northern District (San Jose)  
CIVIL DOCKET FOR CASE #: 5:06-cv-03968-JF  
Internal Use Only**

Granado v. Evans  
Assigned to: Hon. Jeremy Fogel  
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)  
Date Filed: 06/27/2006  
Date Terminated: 04/16/2007  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus (General)  
Jurisdiction: Federal Question

**Petitioner**

Edward M. Granado

represented by **Edward M. Granado**  
P-47229  
Pleasant Valley State Prison  
P. O. Box 8501  
Coalinga, CA 93210  
PRO SE

V.

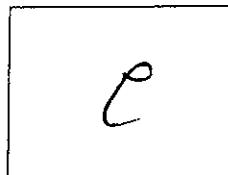
**Defendant**

Evans

Date Filed	#	Docket Text
07/11/2007	⑦	(Court only) COMMENT: clerk mailed copy of docket sheet to Pleasant Valley State Prison, P.O. Box 8501, Coalinga Ca., 93210. (cv, COURT STAFF) (Filed on 7/11/2007) (Entered: 07/11/2007)
07/02/2007	⑩	Letter from Edward M. Granado re: status of case. (cv, COURT STAFF) (Filed on 7/2/2007) (Entered: 07/11/2007)
05/03/2007	⑥	Filing fee: \$ 5.00, receipt number 5461100923. (gm, COURT STAFF) (Filed on 5/3/2007) (Entered: 05/04/2007)
05/02/2007	⑨	Letter from Edward M. Granado. (gm, COURT STAFF) (Filed on 5/2/2007) (Entered: 05/03/2007)
04/16/2007	⑧	JUDGMENT of dismissal without prejudice is entered. Signed by Judge Jeremy Fogel on 4/16/2007. (gm, COURT STAFF) (Filed on 4/16/2007) (Entered: 04/17/2007)
04/16/2007	⑦	ORDER DISMISSING CASE. Signed by Judge Jeremy Fogel on 4/16/07. (jfsec, COURT STAFF) (Filed on 4/16/2007) (Entered: 04/16/2007)

02/14/2007	❶6	ORDER DENYING MOTIONS TO PROCEED IN FORMA PAUPERIS AND TO PAY FILING FEE WITHIN THIRTY DAYS by Judge Jeremy Fogel denying [2] Motion for Leave to Proceed in forma pauperis, denying [4] Motion for Leave to Proceed in forma pauperis (jfsec, COURT STAFF) (Filed on 2/14/2007) (Entered: 02/14/2007)
10/03/2006	❷5	NOTICE of Change of Address by Edward M. Granado (gm, COURT STAFF) (Filed on 10/3/2006) (Entered: 10/05/2006)
07/10/2006	❷4	MOTION for Leave to Proceed in forma pauperis filed by Edward M. Granado. (gm, COURT STAFF) (Filed on 7/10/2006) (Entered: 07/14/2006)
06/27/2006	❷3	CLERK'S NOTICE re completion of In Forma Pauperis affidavit or payment of filing fee due within 30 days. (as, COURT STAFF) (Filed on 6/27/2006) (Entered: 06/27/2006)
06/27/2006	❷2	MOTION for Leave to Proceed in forma pauperis filed by Edward M. Granado. (as, COURT STAFF) (Filed on 6/27/2006) (Entered: 06/27/2006)
06/27/2006	❷1	PETITION for Writ of Habeas Corpus. Filed by Edward M. Granado. (as, COURT STAFF) (Filed on 6/27/2006) (Entered: 06/27/2006)

# EXHIBIT COVER PAGE



EXHIBIT

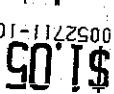
## DESCRIPTION OF THIS EXHIBIT:

PROOF THAT FILING FEE WAS RE-PAID FOR  
MOTION; AND LISTS NEW CASE NUMBER  
(current case no.).

NUMBER OF PAGES TO THIS EXHIBIT: 1 PAGES

## JURISDICTION: (CHECK ONLY ONE)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELLATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

<b>U.S. POSTAL SERVICE</b> <b>CERTIFICATE OF MAILING</b>	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<i>Edward M. Grando P.4726</i>	
<i>P.V.S.P A 4-129</i>	
One piece of ordinary mail addressed to:	
<i>U.S District Court</i>	
<i>450 Golden Gate Ave</i>	
<i>P.O Box 36066</i>	
<i>San Francisco, CA 94102-9680</i>	
PS Form 3817, January 2001	
 U.S. POSTAGE \$1.05 SEP 27 2007 TRACKED MAIL 0052711-10	
<b>PERSONAL MONEY ORDER</b>	
<b>TO THE ORDER OF</b> <u>U.S. District Court for the Northern District of Cal.</u> <u>Edward M. Grando P-47229</u> <u>P.O. Box 8501 Calingaca</u> <u>93320</u>	
<b>PURCHASER'S ADDRESS</b> <i>Edward Grando</i> <small>Case # C 074596 JF (PR)</small>	
<b>PURCHASER'S SIGNATURE</b> <small>Subway Food Beverages Convenience Grocery</small>	
<b>MATCH THE AMOUNT IN WORDS WITH THE AMOUNT IN NUMBERS</b> <b>FIVE DOLLARS AND 00 CENTS</b>	
<b>AMOUNT</b> <b>5.00</b>	
<b>10-86220</b> <b>611603524</b>	
<small>499156143921 499157 REV4 08/04 84 0013984</small>	

4556 (10/99)

05108610220006681 2500611603524910

Issued By Integrated Payment Systems Inc., Englewood, Colorado To Citibank, N.A., Buffalo, NY

(157)

EDWARD M. GRANADO P-47229  
PLEASANT VALLEY STATE PRISON  
P.O. Box 8501 A4-129U  
COALINGA, CA. 93218  
In Pro Se

UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA

---

EDWARD M. GRANADO  
PETITIONER

v.  
MICHAEL EVANS, WARDEN, ET AL.  
RESPONDENT

CASE NO: C07-4596 JF(PR)

NOTICE AND MOTION  
FOR LEAVE OF COURT TO FILE  
OPPOSITION TO MOTION TO  
DISMISS FOR UNTIMELINESS

TO: THE ABOVE ENTITLED COURT, AND TO THE  
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ACCOUNT WITHDRAW SLIP WAS GIVEN TO THE LEGAL LAW

OFFICER, % K. CANNON. DUE TO A MISUNDERSTANDING OF "AD-SEG" PROCEDURE BY THE ACCOUNTING OFFICE AT C.C.I., PETITIONER'S FILING FEE WAS NOT PAID ON TIME BECAUSE ACCOUNTING, INCORRECTLY, THOUGHT HE NEEDED A COUNSELOR'S SIGNATURE ON THE WITHDRAW SLIP BEFORE IT COULD BE PROCESSED. "NO INMATE NEEDS TO HAVE A COUNSELOR SIGN OFF ON A WITHDRAW SLIP IF HE IS IN AD-SEG" AND THE SLIP IS FOR A LEGAL MATTER", SUCH AS A FILING FEE.

C.10. K. CANNON TYPED A LETTER EXPLAINING THIS, SEE EXHIBIT "A", AND RESUBMITTED PETITIONER'S FILING FEE, ALONG WITH LETTER OF EXPLANATION TO THE DISTRICT COURTS, IT WAS FILED ON "5-2-07" , SEE EXHIBIT "B".

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ARGUMENT  
THE PETITION WAS TIMELY

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PETITIONER HAS COMPLETED, TO THE BEST OF HIS LIMITED ABILITIES, WITH ALL REQUESTS FROM THE COURTS. IN AD-SEG MOBILITY IS LIMITED.

IN BENNETT, 322 F.3d THE COURT RULED THAT THE MOTION TO DISMISS BE DISMISSED. AS IN BENNETT, PETITIONER HAS SUBMITTED PROOF THAT HE HAS COMPLETED WITH ALL OF THE COURTS REQUESTS, IN A TIMELY MANNER. AND HE HAS

SUBMITTED THIS PROOF HEREIN THIS MOTION. IF THERE IS ANY DELAY THAT IS SUSPECTED, THIS IS EXPLAINED WITH THE EXHIBITS HEREIN, AS REQUIRED IN RE CLARK, 5 CAL. 4TH 750.

Conclusion

PETITIONER RESPECTFULLY REQUESTS THAT THE RESPONDENTS' MOTION TO DISMISS, FILED ON "3-29-08", BE DENIED. AS A MATTER OF LAW THE MOTION TO DISMISS IS INSUFFICIENT TO ADDRESS THE MERITS OF PETITIONER'S CLAIMS. ALSO RESPONDENT FAILS TO MENTION AND DISCUSS "EQUITABLE TOLLING PROVISIONS" AND EXCEPTIONS TO POSSIBLE UNTIMELY PETITIONS NOT DUE TO THE FAULT OF THE PETITIONER.

Declarant

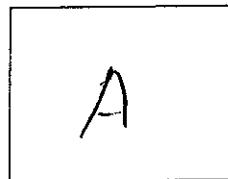
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT UNDER THE LAWS OF CALIFORNIA AND THE UNITED STATES OF AMERICA.

DATED: 5-6-08

RESPECTFULLY SUBMITTED:

Edward M. Hernandez  
(SIGNATURE) PETITIONER  
in Prose

# EXHIBIT COVER PAGE



EXHIBIT

## DESCRIPTION OF THIS EXHIBIT:

LETTER TYPED BY SC CANNON

PROOF THAT LETTER WAS MAILED

COPY OF "ORDER TO PAY FILING FEE"

NUMBER OF PAGES TO THIS EXHIBIT: 5 PAGES

## JURISDICTION: (CHECK ONLY ONE)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELLATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

To: Office of the Clerk, U S District Court

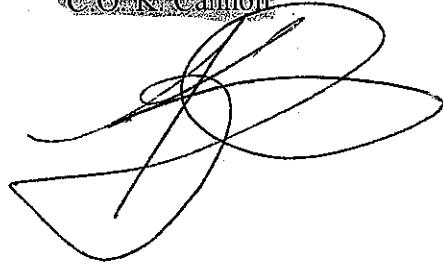
From: C.O.K.  
Cannon 4A AD-SEG  
Legal Officer

Subj: Inmate Granado P-47229 C-063968JF(PR)

On February 27, 2007 inmate Granado placed a trust account withdrawal for \$5.00 address to the court for the filling fee cost of his case listed above. The trust office at this institution did not know what the trust was for and sent trust and paper work back to Inmate Granado for a counselor approval. Inmate Granado did not need a counselor approval. I am the legal officer for the yard and handle all legal request for the inmates on this yard. That is why Inmate Granado missed the court deadline for filling. If you have any question you can contact me at this institution 661-822-4402.

Thank you

C.O.K. Cannon





Edward M. Granado P-47229  
CALIFORNIA Correctional Institution 200  
P.O. Box 1982 4A-6C-118  
Tehachapi, Ca. 93581

—LEGAL—  
—MAIL—

OFFICE OF THE CLERK, U.S. DISTRICT COURT  
Northern District of California  
280 South First St. # 2112  
San Jose, Ca. 95113-3895

CASE NO:

CQ6-3968 JF (PR)

(7)

## TRUST ACCOUNT WITHDRAWAL ORDER

Date 2-27-2007

To: Warden                      Approved \_\_\_\_\_

I hereby request that my Trust Account be charged \$ 5.00 for the purpose stated below and authorize the withdrawal of that sum from my account:

P-47229  
NUMBER

State below the PURPOSE for which withdrawal is requested (do not use this form for Canteen or Hobby purchase).

PURPOSE To PAY FOR FEES

FEES. CASE NUMBER:

"C&G-3968 JT (PR)

\$5.00 check

NAME (Signature Please, DO NOT PRINT)

PRINT PLAINLY BELOW name and address of person to whom check is to be mailed.

NAME OFFICE OF THE CLERK

ADDRESS OFFICE OF THE CLERK,  
U.S. DISTRICT COURT NORTHERN  
DISTRICT OF CALIFORNIA  
288 SOUTH FIRST ST., ROOM # 2112  
SAN JOSE, CA 95113-3895

NAME EDWARD M. GRANADO

PRINT YOUR FULL NAME HERE

\*\*Original filed 2/14/07\*\*

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7                           NOT FOR CITATION  
8                           IN THE UNITED STATES DISTRICT COURT  
9                           FOR THE NORTHERN DISTRICT OF CALIFORNIA.

10  
11 EDWARD M. GRANADO,

12                           Petitioner,

13                           vs.

14                           EVANS, Warden,

15                           Respondent.

16                           No. C 06-3968 JF (PR)

17                           ORDER DENYING MOTIONS TO  
18                           PROCEED IN FORMA  
19                           PAUPERIS AND TO PAY FILING  
20                           FEE WITHIN THIRTY DAYS

21                           (Docket Nos. 2, 4)

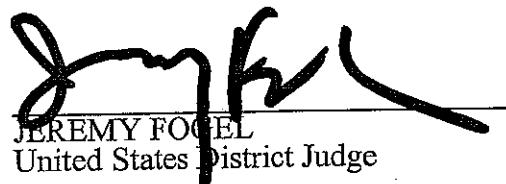
22                           Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas  
23                           corpus pursuant to 28 U.S.C. § 2254 and two motions to proceed in forma pauperis.  
24                           Petitioner's trust account statement reveals that for the six months preceding the filing of  
25                           this action, Petitioner had average monthly deposits into his trust account of \$31.45 and  
26                           an average monthly balance of \$19.85. This is sufficient to pay the \$5.00 habeas filing  
27                           fee. Accordingly, Petitioner's motions to proceed in forma pauperis (docket nos. 2, 4) are  
28                           DENIED. Within **thirty days** of the date this order is filed, Petitioner shall pay the \$5.00  
                         filing fee. Petitioner shall include with his payment a clear indication that it is for this  
                         case number, C 06-3968 JF (PR).

W

1 Failure to pay the filing fee within **thirty days** of the date this order is filed shall result in  
2 the dismissal of this action without prejudice.

3 IT IS SO ORDERED.

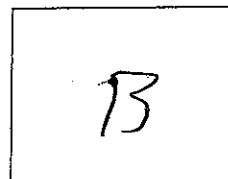
4 Dated: 2/14/07

  
5 JEREMY FOGEL  
6 United States District Judge  
7  
8  
9

10 I JUST now got this on  
11  
12 "2-26-07"  
13

14 Edward M. Granado  
15 P-47229  
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# EXHIBIT COVER PAGE



EXHIBIT

## DESCRIPTION OF THIS EXHIBIT:

DOCKET SHEET SHOWING THAT THE  
FILING FEE WAS PAID AND ACCEPTED

NUMBER OF PAGES TO THIS EXHIBIT: 2 PAGES

## JURISDICTION: (CHECK ONLY ONE)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELLATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

CLOSED, HABEAS, ProSe

**U.S. District Court**  
**California Northern District (San Jose)**  
**CIVIL DOCKET FOR CASE #: 5:06-cv-03968-JF**  
**Internal Use Only**

Granado v. Evans  
Assigned to: Hon. Jeremy Fogel  
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 06/27/2006  
Date Terminated: 04/16/2007  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus (General)  
Jurisdiction: Federal Question

**Petitioner****Edward M. Granado**

represented by **Edward M. Granado**  
P-47229  
Pleasant Valley State Prison  
P. O. Box 8501  
Coalinga, CA 93210  
PRO SE

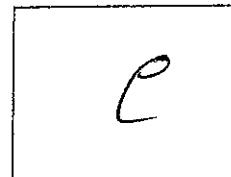
V.

**Defendant****Evans**

Date Filed	#	Docket Text
07/11/2007	● 7	(Court only) COMMENT: clerk mailed copy of docket sheet to Pleasant Valley State Prison, P.O. Box 8501, Coalinga Ca., 93210. (cv, COURT STAFF) (Filed on 7/11/2007) (Entered: 07/11/2007)
07/02/2007	● 10	Letter from Edward M. Granado re: status of case. (cv, COURT STAFF) (Filed on 7/2/2007) (Entered: 07/11/2007)
05/03/2007	● 9	Filing fee: \$ 5.00, receipt number 5461100923. (gm, COURT STAFF) (Filed on 5/3/2007) (Entered: 05/04/2007)
05/02/2007	● 9	Letter from Edward M. Granado. (gm, COURT STAFF) (Filed on 5/2/2007) (Entered: 05/03/2007)
04/16/2007	● 8	JUDGMENT of dismissal without prejudice is entered. Signed by Judge Jeremy Fogel on 4/16/2007. (gm, COURT STAFF) (Filed on 4/16/2007) (Entered: 04/17/2007)
04/16/2007	● 7	ORDER DISMISSING CASE. Signed by Judge Jeremy Fogel on 4/16/07. (jfsec, COURT STAFF) (Filed on 4/16/2007) (Entered: 04/16/2007)

02/14/2007	❶6	ORDER DENYING MOTIONS TO PROCEED IN FORMA PAUPERIS AND TO PAY FILING FEE WITHIN THIRTY DAYS by Judge Jeremy Fogel denying [2] Motion for Leave to Proceed in forma pauperis, denying [4] Motion for Leave to Proceed in forma pauperis (jfsec, COURT STAFF) (Filed on 2/14/2007) (Entered: 02/14/2007)
10/03/2006	❷5	NOTICE of Change of Address by Edward M. Granado (gm, COURT STAFF) (Filed on 10/3/2006) (Entered: 10/05/2006)
07/10/2006	❸4	MOTION for Leave to Proceed in forma pauperis filed by Edward M. Granado. (gm, COURT STAFF) (Filed on 7/10/2006) (Entered: 07/14/2006)
06/27/2006	❹3	CLERK'S NOTICE re completion of In Forma Pauperis affidavit or payment of filing fee due within 30 days. (as, COURT STAFF) (Filed on 6/27/2006) (Entered: 06/27/2006)
06/27/2006	❺2	MOTION for Leave to Proceed in forma pauperis filed by Edward M. Granado. (as, COURT STAFF) (Filed on 6/27/2006) (Entered: 06/27/2006)
06/27/2006	❻1	PETITION for Writ of Habeas Corpus. Filed by Edward M. Granado. (as, COURT STAFF) (Filed on 6/27/2006) (Entered: 06/27/2006)

# EXHIBIT COVER PAGE



EXHIBIT

## DESCRIPTION OF THIS EXHIBIT:

PROOF THAT FILING FEE WAS RE-PAID FOR MOTION; AND LISTS NEW CASE NUMBER (CURRENT CASE NO.).

NUMBER OF PAGES TO THIS EXHIBIT: 1 PAGES

## JURISDICTION: (CHECK ONLY ONE)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELLATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

4556 (10/99)

WASHINGON MUTUAL BANK

PERSONAL MONEY ORDER

10-86220 611603524

PAY EXACTLY  
NOT GOOD FOR MORE THAN \$1,000.00

TO THE  
ORDER OF

**U.S. District Court for the Northern District of Cal**

**Edward M. Gragnato P-47229  
P.O. Box 8501 California  
93226**

PURCHASER'S ADDRESS

MATCH THE AMOUNT IN WORDS WITH THE AMOUNT IN NUMBERS

**\*\*\*\*\*  
FIVE DOLLARS AND 00 CENTS \*\*\*\*\***

**\*\*\*\*\*  
Sep 21, 2007 FIVE DOLLARS AND 00 CENTS \*\*\*\*\***

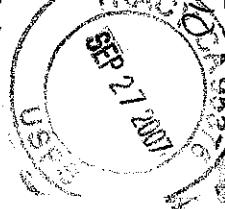
**\*\*\*\*\*  
WASHINGON MUTUAL BANK USPS \*\*\*\*\***

**\*\*\*\*\*  
Case # C 074596 1501 109 JF (PR) \*\*\*\*\***

**\*\*\*\*\*  
PURCHASER'S SIGNATURE \*\*\*\*\***

**\*\*\*\*\*  
SECURITY FEATURES  
LOCK  
Security  
Features  
Inside  
on \*\*\*\*\***

Issued By Integrated Payment Systems Inc., Englewood, Colorado To Citibank, N.A., Buffalo, NY

U.S. POSTAL SERVICE	CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<b><u>Edward M. Grenado</u></b> P. 4722 <u>P . V . S . P</u> A 4-129 <u>P . O</u> <u>Box 8501</u> <u>Calgary</u> <u>AB</u> <u>T2B 3Z2</u> <u>U.S.</u> <u>District Court</u> <u>450</u> <u>Golden Gate Ave</u> <u>P.O. Box</u> <u>36066</u> <u>San Francisco</u> , <u>CA</u> <u>94102-0680</u>	
One piece of ordinary mail addressed to:	
 <span style="font-size: small; margin-left: 10px;">SEP 21 2007</span> <span style="font-size: x-small; margin-left: 10px;">U.S. POSTAGE</span> <span style="font-size: x-small; margin-left: 10px;">AMOUNT</span> <span style="font-size: x-small; margin-left: 10px;">TRAC 9376.07</span> <span style="font-size: x-small; margin-left: 10px;">052711.00</span> <span style="font-size: x-small; margin-left: 10px;">S. POSTAGE</span>	

(15)

PROOF OF SERVICE BY A STATE PRISONER

I, EDWARD M. GRANADO, declare:

That I am over 18 years of age, and a party/~~not a party~~ to the attached herein cause of action, that I reside at Pleasant Valley State Prison, in the county of Fresno California. My mailing address is: P.O. Box 8501, COALINGA, CA

93210

On 5-6-, 2008, I handed to prison officials for mailing, at the above address, on the exact date, the attached: NOTICE AND MOTION FOR LEAVE OF COURT TO FILE OPPOSITION TO MOTION TO DISMISS FOR UNTIMELINESS

In a sealed envelope[s] with postage paid fully paid, addressed to the locations:

- (A) UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CAL.  
450 GOLDEN GATE AVE.
- (B) SAN FRANCISCO, CA 94102-3483
- (C) ATTORNEY GENERAL OF THE STATE OF CALIFORNIA  
455 GOLDEN GATE AVE, SUITE #11000
- (D) SAN FRANCISCO, CA 94102-3664

I declare under penalty of perjury that the foregoing is true and correct. Executed this (6<sup>th</sup>) day of (MAY), 2008 at Coalinga, California.

EDWARD M. GRANADO

DECLARANT PRINTED  
NAME

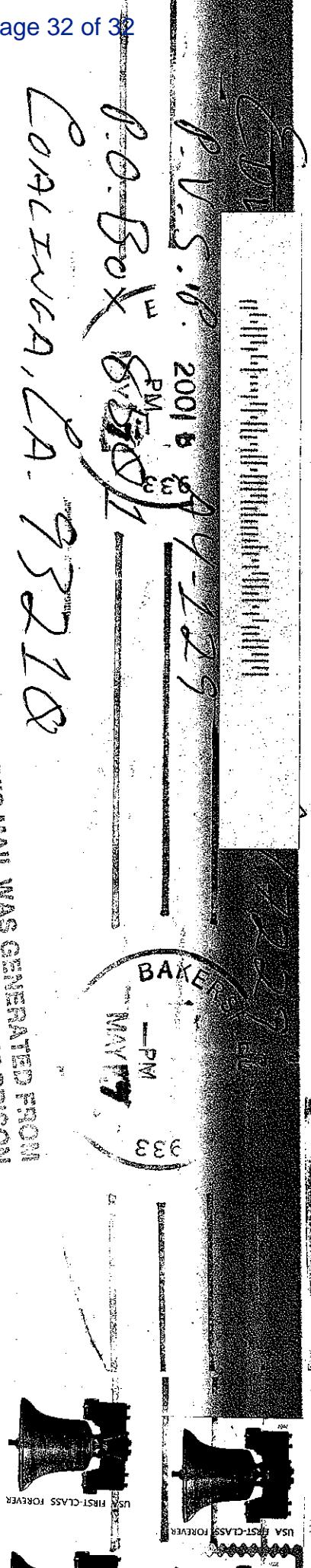
Edward M. Granado  
DECLARANT SIGNATURE

P-47229

P.O. Box 8129  
Lafayette, LA. 73218

THIS MAIL WAS GENERATED FROM  
PLEASANT VALLEY STATE PRISON

THIS MAIL WAS GENERATED FROM  
PLEASANT VALLEY STATE PRISON



H. S. District Court  
District of Oregon  
450 Golden Gate A

San Francisco, CA. 94111

- 34 -

Law Library  
Facility A

Case No:  
C 07-4596 JFC (con)